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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

NORTHWEST CENTER FOR
ALTERNATIVES TO PESTICIDES,
WILLAMETTE RIVERKEEPER,
CASCADIA WILDLANDS, NEIGHBORS
FOR CLEAN AIR, AND 350PDX,

Plaintiffs,

vs.

U.S. DEPARTMENT OF HOMELAND
SECURITY; CHAD WOLF, in his capacity
as Acting Secretary, U.S. Department of
Homeland Security,

Defendants.

No. 3:20-cv-01816

**STANDING DECLARATION OF
LISA LEITHAUSER,
NEIGHBORS FOR CLEAN AIR
MEMBER**

I, Lisa Leithauser, declare and state as follows:

1. I am over the age of 18. I make this declaration based on my own personal knowledge, and if called as a witness, I could and would competently testify to the facts herein under oath. As to matters which may reflect a matter of opinion, they reflect my personal opinion and judgment based on my personal experience.

2. I have been a member and supporter of Neighbors for Clean Air since 2013 and have regularly received newsletter updates from the organization. I reside in the Portland Metropolitan area in Washington County, Oregon.

3. I submit this declaration in support of Neighbors for Clean Air's participation in NEPA litigation against the federal government, for the agency's use of chemical weapons against protesters in Portland without properly identifying and analyzing human health and environmental impacts of these chemicals.

4. Neighbors for Clean Air advocates for better air quality in Oregon with an emphasis on public health, and empowers Oregonians with information and tools to ensure everyone breathes clean air. Neighbors for Clean Air's mission and work is very important to me because I gave birth to, and raised 4 children in Portland - their health and well-being is my priority, and clean air and industry regulation to ensure clean air, is a basic human right.

5. I often visit downtown Portland, and I have participated in protests, rallies, and other forms of political protest in Portland and in my own neighborhood in Washington County this year.

6. Throughout the summer, in the wake of George Floyd's death, I participated in 6-8 protests supporting Black Lives Matter.

7. On July 21, I went to the evening protest in front of the Multnomah County Justice Center to support the Black Lives Matter movement.

8. I was standing in the peaceful crowd listening to the speakers. I was there to peacefully support Black Lives Matter, and I made sure to avoid the Federal Courthouse where protesters were in direct confrontation with federal officers. Suddenly federal officers came up SW Madison Street and stood blocking me and other members of the public. In order to leave,

we would have had to exit back towards the Federal Courthouse, or walk the gauntlet of officers strung out along Madison. There were approximately 100 people present in that general area.

9. The federal officers threw canisters of gas at two women standing on the corner, in very close proximity to the crowd. There was absolutely no warning or indication that gas was incoming. I then realized that gas was also being carried by the wind towards me from canisters that had been fired at protesters in front of the Federal Courthouse, one block away. My eyes and throat immediately began to burn, and at first I had no idea what was happening to me. I was wearing a thin mask for COVID, but no other protective gear. Eventually I figured out I had been tear gassed and left to deal with the impacts.

10. I have no history of asthma or other respiratory issues and I was scared about how hard it was to breathe at the site of the protest once the gas plumes hit me, and for several hours afterwards. I took a shower and drank a lot of water, but nothing seemed to help.

11. I did some research on the internet and figured out my sudden onset of breathing difficulties must be from the gas, but was left with more questions than answers. It seems from the literature I found that there are several types of gas that can be used on crowds, and I had no idea what had been used on me by the federal officers. This left me feeling very anxious in addition to my physical symptoms. I finally was able to sleep around 1 am, which is unusual for me. Respiratory symptoms continued for me all day on July 22 and into July 23, finally subsiding that evening.

12. On July 24, I went back to the protests to support Black Lives Matter at the Multnomah County Justice Center. At first I was standing with the wall of Moms, but when they moved to the Federal Courthouse I stayed at the Justice Center to avoid the more contentious area, and to try to avoid potential tear gas and chemical exposure. From a block away, I could see lots of gas being used against protesters at the Courthouse. Because of the proximity and the wind, gas started to affect me and other protesters at the Justice Center as well. I tried to tell people it was coming and to move, but because we were peacefully listening to the speakers no one moved. When the gas hit us, everyone was coughing and panicking. I left fairly quickly after that. I would have liked to stay longer to listen to the speakers but, because of my earlier

experience, I made the choice to leave when the gas began to affect my eyes and respiratory system again.

13. On July 26, I went to the evening protest again to listen to speakers and support Black Lives Matter. Around nine o'clock, speakers acknowledged that tear gas was likely to be used on us again and stopped the program to avoid peaceful protesters being harmed. I left feeling anxious and frustrated that I was being prevented from exercising my first amendment rights, and that there were these unknown chemicals still being used on us.

14. I believe that the lack of information and analysis by the federal government about the repeated use of tear gas and other aerosols created conditions in which numerous adverse health impacts, including my own, were able to occur.

15. If the federal government completes a NEPA analysis of the use of tear gas and other crowd control weapons on human health and the environment, I believe they may make better, more informed choices about their use of such weapons. I believe they may have decided and may not decide in the future to deploy these gases and in such quantities that myself and my friends and loved ones have experienced.

16. I have definite plans to continue to exercise my first amendment rights and engage in protests for social justice in Portland.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 15th day of October, 2020.

A handwritten signature in black ink, appearing to read 'L Leithauser', with a long horizontal flourish extending to the right.

Lisa Leithauser